

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Duane Montrik Burton

Docket No. 7:00-CR-105-1F

Petition for Action on Supervised Release

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Duane Montrik Burton, who, upon an earlier plea of guilty to Possession With Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841(a)(1), and Possession of Counterfeit Money, in violation of 18 U.S.C. § 472, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on February 5, 2001, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
3. The defendant shall pay a \$200 special assessment and a \$9,200 fine.

Duane Montrik Burton was released from custody on February 15, 2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: After his release from custody, the defendant expressed an interest in the HOPE Program operated by the Eastern District of North Carolina U.S. Probation Office. After a review of his case by the HOPE Program team, it was decided Burton would be allowed to participate in the program if approved by the court. As part of the program, defendants are required to participate in drug aftercare and a cognitive behavior program as directed by the probation officer. On March 19, 2013, the probation office counseled with Burton who agreed to the requirements of the program. Therefore, the probation officer respectfully recommends the conditions of supervision be modified to include drug aftercare and the defendant participate in a cognitive behavior program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a Cognitive Behavior Program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: March 21, 2013

ORDER OF COURT

Considered and ordered this 22nd day of March, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge